

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

HIGHER EDUCATION DEPARTMENT–THE ANDHRA PRADESH UN-AIDED NON-MINORITY PROFESSIONAL INSTITUTIONS [REGULATION OF ADMISSIONS INTO UNDER-GRADUATE AND PHARM-D (DOCTOR OF PHARMACY), PROFESSIONAL COURSES THROUGH COMMON ENTRANCE TEST] RULES 2011–12-AMENDMENTS-ORDERS-ISSUED.

HIGHER EDUCATION (EC.2) DEPARTMENT

G.O.Ms.No.66

Dated:- 03-09-2012.
Read the following:-

- 1) G.O. Ms. No. 74, Higher Education (EC.2) Dept., Dt.28.07.2011.
- 2) G.O.Ms.No.93, Higher Education (EC.2) Dept., Dt.16.08.2011.
- 3) G.O.Ms.No.47, Higher Education (EC.2) Dept., Dt.19.07.2012.
- 4) G.O.Ms.No.60, Higher Education (EC.2) Dept., Dt.28.08.2012.
- 5) C T E, Lr. No.H2/P/014/2012, Dt: 30-08-2012

ORDER:

The Commissioner of Technical Education, AP, Hyderabad in reference 5th read above has informed that since Government have issued orders fixing a uniform fee for the Convener quota (i.e., Category ‘A’ seats) and the Management quota (i.e., Category ‘B’ seats), a large number of representations have been received from the students community for a fair, transparent and non-discriminatory approach for filling up of Category ‘B’ seats.

A number of complaints are received from the student organizations and there are reports in sections of the media that some of the managements are collecting huge amounts from the students in the form of donations or capitation fee by luring the students while promising to fill up the Category ‘B’ seats, especially in the light of fixing uniform fee for Category A & B seats w.e.f academic year 2012-13, in pursuance of the orders confirmed by the Hon’ble Supreme Court.

It is further noted that a seven member bench of the Hon’ble Supreme Court in **Appeal (Civil) 5041 of 2005, P.A.Inamdar & Ors vs. State of Maharashtra & Ors** has held that:

“Charging of the capitation fee by the unaided minority & non-minority institutions for professional courses is just not permissible. Similarly, profiteering is also not permissible. If capitation fee & profiteering is to be checked the method of admission has to be regulated so that the admissions are based on merit & transparency and the students are not exploited. It is admissible to regulate admission & fee structure for achieving the purpose just stated.”

“Unless the admission procedure & the fixation of the fees is regulated at the initial stage the evil of unfair practice of granting admission on available seats guided by the paying capacity of the candidates would be impossible to curb.”

“Non-minority unaided institutions can also be subjected to similar restrictions which are found reasonable & found in the interest of the student community. Professional education should be made accessible on the criterion of merit & on non-exploitative terms to all eligible students on a uniform basis. Minorities or non-minorities, in exercise of their educational rights in the field of professional education have an obligation & a duty to maintain requisite standards of professional education by giving admissions based on merit and by making education equally accessible to eligible students through a fair & transparent admission procedure and on a reasonable fee structure”

“It needs to be specifically stated that having regard to the larger interests & welfare of the student community to promote merit, achieve excellence & curb malpractices it would be permissible to regulate admissions by providing a centralized & single window procedure. Such a procedure, to a large extent, can secure grant of merit based admissions on a transparent basis.”

Government have further observed that in the year 2007 one Mr.M.Ratin and others have filed Writ Petition No. 16290 and batch/2007 before the Hon'ble AP High Court alleging that they had approached certain reputed Engineering Colleges in the State for admission forms but in vain as they were denied the admission forms. The Hon'ble AP High Court, while disposing the said batch of petitions, on 28-07-2007, has directed inter-alia, as follows:

- i) ***“Respondent No.2 (AP State Council of Higher Education), which is the Competent Authority to approve the list of admissions in respect of Category ‘B’ seats shall issue operating guidelines to effectuate Rule 6(ii) (1) of the Rules.***
- ii) ***Respondent No.2 shall actively oversee the process of admissions by the unaided non-minority private managements from the time of commencement of the process till the approval of the list submitted by the colleges and shall take appropriate action wherever it finds that the colleges indulged in violation of the Rule either by not following the procedure in the proposed operating guidelines or by denying seats to students with superior merit and who have duly applied for seats.”***

Further, the charging of capitation fee is also prohibited under the A.P. Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983.

It has come to the notice of the Government that a majority of the managements of the private un-aided professional colleges are not following a fair and transparent procedure to fill up the Category ‘B’ seats. There are instances where the management of the colleges have failed even to supply the application form to the eligible meritorious candidates, thereby preventing them from applying for admission, for reasons best known to them. Some instances are brought to the notice of the Government wherein admissions are alleged to have been completed even before the formal date of notification, besides the charging of exorbitant donations.

Further, under the present system of admissions to the Category B seats in colleges, the hapless students have to physically and repeatedly go around colleges, fill up forms manually and deposit the application forms with the college managements. Though some colleges have websites, the system, at present, entails a lot of difficulty to the candidates who come from all regions of the State & have to visit to each & every college where they are seeking admission to deposit the application form. This is an anachronism as in this age of IT, there is no need for the candidates to travel from different regions to each and every college just to submit the application.

The experience of the successful online administration of scholarships (e-PASS) has demonstrated that the use of Information Technology can go along way in ensuring total transparency and ease of access to over 26 lakh students pursuing various courses in over 12,000 colleges in the application process as well as the disbursement of the scholarships into the respective bank accounts of the students and colleges. The e-PASS has not only cut short the transaction time but facilitated real time tracking for students and managements thereby enabling a totally transparent system.

This has also been the experience in e-Seva & Mee-seva where the use of IT has made citizen services available across the counter & certain. Similar, is the experience in the Category ‘A’ counseling for EAMCET.

Information Technology and minimization of user interface can make the admission process for Category ‘B’ seats more transparent & serve the twin objectives of merit and transparency envisaged in several orders of the Hon'ble Supreme Court and the State Government's legislations. The online filing of applications will enable students to upload their applications with ease & certainty, besides ensuring that the stated principles of merit and transparency are ensured in the admissions to Category ‘B’ seats.

In view of the facts mentioned supra and with a view to streamline the admission process in the interest of students Government have decided to issue guidelines for admissions into Category ‘B’ seats in Private Un-Aided non-minority Professional Institutions to ensure admissions to the eligible meritorious candidates in a fair, transparent and non-exploitative manner and in the public domain.

Although the Government is issuing these guidelines, due care is taken to ensure that the right to administer the admissions is vested with the managements of the said colleges. The role of the Government is that of facilitation to ensure that the admissions are in a fair, transparent and non-exploitative manner & based on transparency and merit in the public domain. The college managements shall be solely responsible for the admission process to Category ‘B’ seats.

To this effect the 'Competent Authority' will facilitate the setting up of a webportal to enable the managements of all colleges in the State to conduct the admission process online in a workflow based system which will be fully transparent and on the public domain giving little scope for complaints. The college managements will be solely responsible for porting all data relating to seats, fee structures, procedures, online application form, etc. for seeking seats by students and process the merit lists of admissions, as envisaged in several judgments' of the Apex Court.

The web portal established by the Competent Authority will only enable that all admissions are carried out transparently and in the public domain besides facilitating students to seek for admissions to category 'B' Seats at one place and usher in a regime of merit and transparency for students and colleges and dispel any doubts or apprehensions on the admission process.

Therefore, the following notification will be published in an Extra Ordinary Issue of the Andhra Pradesh Gazette, Dt. 04.09.2012.

NOTIFICATION

In exercise of the powers conferred by sections 3 and 15 of the Andhra Pradesh Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983, (Andhra Pradesh Act 5 of 1983) and in supersession of the orders issued in G.O.Ms.No.93, 47 & 60, Higher Education (EC-2) Department, dt: 16-08-2011, 19-07-2012 & 28-08-2012 respectively, the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Unaided Non-Minority Professional Institutions (Regulation of Admissions into under-graduate and Pharm.D (Doctor of Pharmacy) Professional Courses through Common Entrance Test) Rules, 2011 issued in G.O.Ms.No.74, Higher Education (EC.2) Department, dated 28.07.2011 and as subsequently amended.

AMENDMENTS

In the said Rule,

1. In rule 2, in sub rule (i) for clause (k), the following shall be substituted namely :-
“(k) Non Resident Indian (NRI) candidate means a candidate born to a parent of Indian origin residing outside the country and who has passed the qualifying examination or its equivalent”.
2. In rule 6, in sub rule (i), in sub clause (11), of clause (a), after the expression, “50% marks in the prescribed group subjects”, the expression “aggregate marks” shall be inserted.
3. The rule 6 (ii) shall be substituted as follows.

“6 (ii) TO FILL UP CATEGORY-B SEATS (30%):

1. **The Institution shall conduct Admissions to the seats available as specified below:**

- (i) The Institution shall not issue notification and receive the applications until the EAMCET admission notification is issued by the Competent Authority. In the interests of students, the Competent Authority may suggest dates for different milestones in the admission process.
- (ii) The institutions that are approved by All India Council for Technical Education and permitted to fill NRI seats not exceeding 5% of the sanctioned intake in each course for the academic year shall admit NRI candidates (sons and daughters of NRIs) who have passed the qualifying examination with not less than 50% marks in the prescribed group subjects or 50% aggregate marks in the qualifying examination or Cumulative Grade Point Average (CGPA) equivalent to 5 on a scale of 10.
- (iii) The remaining seats shall be filled on merit basis with candidates including from other States and Union territories who have secured rank at AIEEE and secured not less than 45% of marks in the prescribed group subjects in the qualifying examination.
- (iv) The seats remaining unfilled from (ii) and (iii) above shall be filled with eligible candidates, who have qualified the EAMCET examination on merit basis following eligibility criteria laid in rule (4) of these rules.
- (v) Thereafter, if any seats still remain unfilled such seats may be filled on merit basis with candidates securing not less than 45% (40% in case of candidates belonging to reserved categories) of marks in the prescribed group subjects taken together / aggregate marks in the qualifying examinations, as prescribed.

2. The Institutions shall follow the procedure mentioned below to conduct the Admissions:

- (i) The Competent Authority shall facilitate the setting up of a web portal which will act as a **“Single Window for Category ‘B’ seats”** for both the Colleges and the Students for filling up of the “Category B” seats.
- (ii) Each college will be provided a Unique ID and password to port its data relating to the category 'B' seats in the said portal.
- (iii) Subsequently, all colleges will be provided with a digital signature to ensure secure access of their operations.
- (iv) The colleges shall port all the relevant data regarding the Category”B” seats, branch wise as provided in the said web portal.
- (v) Once the data is finally entered by the managements no change shall be permitted.
- (vi) The web portal shall provide the students, the facility for making online applications for the Category ‘B’ seats. A printable/recordable electronic acknowledgement shall be provided to the student on successful uploading of his online application. This will dispense with the need for the student to physically visit each and every college besides ushering in transparency.
- (vii) The management of the Colleges shall notify the details of courses offered with intakes, schedule of admissions(date wise), registration fee for the application, minority or non-minority status in leading news dailies one in each language i.e., English, Telugu & Urdu & which will also be uploaded on the web portal hosted by the Competent Authority.
- (viii) The Competent Authority will suggest a time schedule with dates for such notification to enable the students to opt for category 'B' seats uniformly across the state. All admissions to the category 'B' seats will be completed during the suggested time period.
- (ix) On the dates as suggested by the Competent Authority, the web portal will be opened for all students desirous of seeking admissions to Category ‘B’ Seats in all Private Un-Aided Professional colleges in the State. Candidates can apply to colleges of their choice by visiting the portal only during the suggested dates by the Competent Authority.
- (x) A candidate can select any of the college/colleges and apply online for seeking admissions to Category 'B' seats of college/colleges after paying the requisite registration fees as notified by the college.
- (xi) The candidate can also give his order of preference for admission to a college by giving the order of preference among the courses offered by the college in the online application form. Only one form needs to be filled for a college regardless of the number of options.
- (xii) The candidate can apply for more than one college by visiting the respective website of colleges and apply online after paying the registration fees specified for each college.
- (xiii) No new application will be accepted after the closing date of admissions to the college.
- (xiv) The Management of the college will solely upload the data and administer the selection process as per the admission procedure specified. Each college will be permitted to download the data of the applications received and pertaining to it, after the closing date as suggested by the Competent Authority.
- (xv) Thereafter, the college can at its option use the online merit generation facility available on the web portal. The merit list generated will be in order of NRI quota(if available),AIEEE rankers, EAMCET rankers & qualifying examination in order of merit as prescribed in Rule 6 (ii) (1) of these rules.
- (xvi) The selection of candidates will be done by the college managements themselves, as per the merit of the candidates.
- (xvii) The selection list, after selection process is completed by the management of respective colleges as per the prescribed norms will be uploaded by the managements on the web portal and be transmitted online to the Competent Authority.
- (xviii) The Competent Authority will verify the list of the selected candidates and validate the same with reference to the G.O.s and the procedure prescribed through an online cross verification procedure based on applications received by a college.
- (xix) The Competent Authority shall approve the validated list if found tallying by the cross validation process or reject the lists if found to be at variance to the rules and procedures prescribed, and communicate the same to the concerned colleges for compliance.
- (xx) In case of unfilled seats if any, the concerned colleges will again upload for validation the second list of selected candidates from out of the left over candidates who have applied in the portal. After generation of the merit list, the college managements will forward the applications and approval by Competent Authority as per the schedule prescribed by the Competent Authority.
- (xxi) Applications of candidates not fulfilling the required conditions during the online cross validation of the list by the Competent Authority will summarily be rejected.

- (xxii) The Competent Authority shall open a helpline to assist the candidates and college managements to sort out their grievances and provide technical support if needed.
- (xxiii) The Competent Authority will issue detailed operational guidelines for using the web portal besides prescribing a fee for usage of the portal by the managements of colleges and applicants.
- (xxiv) The Management shall collect the Tuition fee as prescribed by the Government for category 'B' seats and any excess fee collected will amount to capitation fee and Managements are liable for action under A.P. Educational Institutions (Regulation of Admissions and Prohibition of Capitation fee) Act, 1983.
- (xxv) Any complaint/appeal against the selection shall be made to the Admission and Fee Regulatory Committee (AFRC).
- (xxvi) The managements shall comply with the above instructions and failure in implementing the same shall entail actions as per the relevant Acts and Rules in force.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**M.G.GOPAL
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner, Printing, Stationary and Stores Purchase,
Chanchalguda, Hyderabad (with a request to supply 250 copies immediately)
The Secretary, Andhra Pradesh State Council of Higher Education, Hyderabad
The Commissioner, Technical Education, A.P., Hyderabad
The Registrars of all Universities in the State.
Copy to:
The PS to Principal Secretary, Health, Medical & Family Welfare Department.
The PS to Principal Secretary, Agriculture and Cooperation Department
The PS to Principal Secretary, Minority Welfare Department
The Law (A) Department,
P.S. to Spl. Secretary to Hon'ble C.M.
P.S. to Hon'ble Deputy Chief Minister
P.S. to Chief Secretary
P.S. to Principal Secretary, Higher Education
Sf/Sc-2

// FORWARDED :: BY ORDER //

SECTION OFFICER